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**Sent:** Fri 9/28/2012 12:23:31 PM

**Subject:** Morning Clips  
[EPA](#),  
[Louisiana Bucket Brigade](#)  
[filed suit](#)  
[Clean Air Act](#)  
[Recent studies](#)  
[proposed regulations](#)

Good Morning Everyone!  
 Here are today's top stories:

Sacramento Bee: EPA pushes tough asbestos standard for Mont. town

EnergyWire: HYDRAULIC FRACTURING: EPA, driller differ on new Pavillion water test results

The Times-Picayune: Louisiana Bucket Brigade sues EPA over cancer-causing air pollution rules

## Sacramento Bee: EPA pushes tough asbestos standard for Mont. town

By Matthew Brown

Posted Thursday, September 27

BILLINGS, Mont. -- A proposed standard for federal cleanup of asbestos contamination in a Montana town concludes that even a tiny amount of the material can lead to lung problems - a benchmark far more rigorous than any in the past and one that the industry says could force expensive and unnecessary cleanups across the country.

The Environmental Protection Agency's new proposal for the northwest Montana town of Libby, where asbestos dust has killed hundreds of people, would be 5,000 times tougher than the standard used in past cleanups addressing airborne asbestos.

W.R. Grace & Co., the Maryland chemical company blamed for pollution from its vermiculite mine that operated for decades, is pushing back against the EPA, suggesting sites across the country could be subjected to costly cleanups.

The ongoing Superfund cleanup in Libby has cost at least \$447 million since 1999 and is expected to last several more years. The town of about 3,000 people is about 40 miles south of the Canadian border.

Experts say the EPA proposal is a move long sought by advocates and fiercely resisted by the industry. An EPA board met this week to discuss Grace objections to the proposal, part of a pending risk study for Libby.

"In many respects it would be like banning it, getting it so low," said former assistant U.S. Surgeon General Richard Lemen, who now teaches at Emory University in Atlanta. "EPA is being realistic and saying, 'Look, we know there's asbestos out there and we're not going to get rid of all of it, but let's put our concentration as low as we possibly can.'"

EPA officials didn't respond to questions about the nationwide consequences of its plan. It would declare airborne asbestos concentrations exceeding two-100,000ths of a fiber per cubic centimeter pose a health risk. The EPA has previously taken action when the substance was airborne in amounts greater than one-tenth of a fiber per cubic centimeter.

But the Government Accountability Office has said the cleanup standard could affect some of the 200-plus industrial sites in 40 states that also received asbestos-tainted vermiculite from Grace's Montana mine. More than 20 of those sites, posing the highest health risks, have already been cleaned once. Most of those were processing plants where the mineral was heated at high temperatures so it could expand and be used for insulation in millions of homes.

The GAO and asbestos experts said the EPA risk assessment could force more cleanups. And Grace representatives and health officials said the EPA proposal could apply to other types of asbestos found in communities across the country.

In a letter to the EPA last week, Grace Vice President Karen Ethier said the standard would have "inevitable" consequences beyond Libby.

"That broad application will, in turn, result in enormous, unexpected and unnecessary costs to building owners, farmers and other property holders, including the federal government," Ethier said.

Manufacturing and trade groups and federal agencies including the White House Office of Management and Budget also have questioned the EPA proposal. They said the low threshold falls below even background asbestos levels seen in parts of the country.

Although the sale and manufacture of asbestos-containing materials is tightly regulated, the government has never established a safe level of human exposure for the type of the mineral found in Libby. While there are general cancer-based exposure limits for asbestos set by the Occupational Safety and Health Administration, the EPA proposal for the first time sets a risk level for non-cancer illnesses, such as the debilitating and potentially fatal lung disease asbestosis.

That's a crucial issue in Libby, where the Grace mine and processing plants for three decades left the town coated in asbestos dust that has killed an estimated 400 people and sickened at least 1,700 more. Health experts say the death toll is bound to rise because of the long latency period of asbestos-related illness.

The vermiculite was mined by Grace from a mountain outside town and shipped across the country for use as insulation, fertilizer, in fireproofing material and other commercial products.

The mine closed in 1990.

Health problems first noticed in mine workers have since become pervasive in Libby, affecting spouses who laundered their husbands' dust-covered clothes, generations of residents who played as children near Grace's processing plants and others.

In public testimony and filings with the EPA, Grace has argued that less-severe lung problems considered a sign of asbestos disease can be confused with other health problems, such as obesity. The company maintains that the science used by the EPA to craft its proposal was flawed and has urged the agency to do more research before moving forward.

The air is far cleaner in Libby today than it was when the EPA first arrived, removing thousands of truckloads of contaminated soil and replacing it with clean topsoil. But the agency has acknowledged some people in Libby are still at risk, particularly landscapers and others who stir asbestos-laden soil.

Grace reached a \$250 million settlement with the EPA in 2008 to cover government cleanup costs in Libby and the surrounding area. The company remains responsible for cleaning up the mine site. Company executives accused of knowing of the health problems in the town were acquitted of federal criminal charges three years ago.

Arthur Frank, an occupational physician who has testified against Grace in asbestos litigation, said it was "disingenuous" for Grace to now argue against the EPA proposal.

"I don't even see why Grace gets a say in this matter. They're the ones that caused this disaster," said Frank, a professor at Drexel University School of Public Health in Philadelphia. "The situation in Libby specifically shows that minimal pleural disease carries with it significant physiological changes in the lungs."

The EPA has also proposed that a lung condition known as pleural thickening - caused when asbestos fibers lodge in the lungs and cause scarring - is an indicator of asbestos exposure that can lead to more harmful lung diseases including asbestosis.

Grace scientists have said medical professionals can easily mistake similar ailments caused by being overweight for asbestos exposure.

The EPA is to make a final decision on the standard for Libby sometime next year.

Earlier this week, the agency's science advisory board reviewing the proposal requested only limited revisions after Grace asked to send it back to scientists for further study.

Agnes Kane, a member of the EPA advisory board and chair of its Libby asbestos panel, said the government and Libby can't afford to wait.

"We certainly can't sit around and wait for these types of studies to be done," Kane said. "We have to use our best scientific judgment. It is necessary to proceed with the remediation of that Superfund site."

EnergyWire: HYDRAULIC FRACTURING: EPA, driller differ on new Pavillion water test results

Posed Friday, September 28

U.S. EPA says a second round of test results released yesterday by the U.S. Geological Survey supports its preliminary finding that hydraulic fracturing contaminated groundwater in Pavillion, Wyo.

But the major driller in the Pavillion area says USGS's decision to sample only one of the two wells upon which EPA based its conclusions shows serious flaws in EPA's handling of the case.

Encana Corp.'s Doug Hock leapt on the inconsistency, saying it validates the company's concern that EPA's monitoring wells were

improperly constructed.

"The report seems to indicate that USGS declined to sample MW02 because the well could not provide a sample that was representative of actual water quality conditions," Hock said in a statement.

USGS offered no analysis to resolve the different accounts. In releasing two reports yesterday, the agency pointedly stayed out of the bitter battle of words and science taking place in the small community of Pavillion. The agency said its agreement with the state of Wyoming called for it to release the data without analysis.

"While USGS did not interpret the data as part of this sampling effort, the raw data results are adding to the body of knowledge to support informed decisions," said David Mott, director of the USGS Wyoming Water Science Center.

USGS said the data will also be made available to a peer-review panel tasked with looking at the broader EPA study.

USGS released two reports from the new round of testing. One document detailed its study plan. The other document gave the results of an extra round of testing.

At stake is the reputation of gas drilling and hydraulic fracturing, or "fracking."

Some Pavillion-area residents say they began to suspect water contamination in 2005, around the time that hydraulic fracturing and other activity picked up in the area, where drilling has taken place for decades. But they said state officials ignored their concerns. EPA, though, began an investigation under its Superfund authority.

When EPA announced last year it had found frack fluid in groundwater in the Pavillion area, it punctured the industry talking point that there has never been a documented case of groundwater contamination from fracking. Still, the agency did not find fracking chemicals in the groundwater that area residents use for drinking.

Nevertheless, EPA's finding on frack fluids came under furious assault from Wyoming officials, congressional Republicans and the oil and gas industry. One Wyoming oil and gas official said earlier this year that the residents who have complained about their water are motivated by "greed." Within weeks, he was forced to resign by Gov. Matt Mead (R) (EnergyWire, June 15).

Amid the barrage of criticism, EPA agreed to the further testing. USGS said the results released yesterday were from testing requested by state officials.

EPA's finding regarding fracking chemicals relied on results from just two monitoring wells that it paid to have drilled in the area. EPA officials said they did not have enough money to drill more. In the December report, they are referred to as MW01 and MW02. The deeper of the two wells was MW02, and it showed more signs of contamination.

It was MW02 where concentrations of benzene were 49 times EPA's maximum contaminant level.

But USGS said it found problems with MW02 that caused it not to have confidence in the findings. Water entered the well, USGS reported, at an "exceedingly low" flow rate. USGS said it tried procedures that would account for that, but in the end it could not get data from the well that would meet its standards.

"The initial intention of the USGS to sample well MW02 using purge procedures that would be as consistent as possible with the standard USGS approaches implemented at well MW01 could not be carried out," the report states.

More federal criticism

The drilling of the well has also been criticized by another federal agency, the Bureau of Land Management. In a newly surfaced document, BLM State Director Don Simpson criticized EPA's testing procedures in Pavillion as insufficient and called its findings "premature."

"The suggestion that hydraulic fracturing is the explanation for the presence of certain analytes detected in groundwater samples is premature," Simpson said. "We recommend a larger and much more robust study effort and investment prior to drawing any conclusions, particularly in the case about the role of hydraulic fracturing use in development of the oil and gas resource."

The letter, submitted as part of EPA's formal comment period, is dated March 1, but it was not formally posted to the record until July. It was not widely noted until it was highlighted by industry sources yesterday.

The EPA report cited a host of other drilling problems in the area, such as unlined pits that leaked benzene into shallow groundwater and numerous wells that drillers failed to seal off from drinking water by encasing them in concrete.

But attention focused on whether the Pavillion case debunked the oil and gas industry's claim that there had never been a documented case of groundwater contamination from the specific process of hydraulic fracturing.

Despite the problems USGS encountered, EPA officials said the results are "generally consistent" with the preliminary study it released in December.

"Data released by the United States Geological Survey (USGS) is generally consistent with ground water monitoring data previously released by the Environmental Protection Agency (EPA) for the Pavillion, Wyo. area," EPA said in a statement released after the USGS announcement. "That data was released for public comment and review, and the important feedback received from these steps will help inform the final analysis. Once finalized, the latest EPA data, along with the USGS data, will be submitted to an independent, expert peer review as part of the ongoing scientific process later this year."

The Times-Picayune: Louisiana Bucket Brigade sues EPA over cancer-causing air pollution rules

By Mark Schleifstein

Updated, Friday, September 28 AT 5:44 a.m.

The Louisiana Bucket Brigade and seven other environmental groups filed suit against the Environmental Protection Agency Thursday in an attempt to get the agency to limit air emissions of the most toxic, cancer-causing chemicals released by 150 oil refineries in 32 states, including 17 in Louisiana. "More than 200,000 people live, and over 60 schools and daycares are located, within two miles of Louisiana's refineries," said the Bucket Brigade's Anna Hrybyk. "The EPA's lack of action on limiting toxics creates serious long-term health impacts that endanger the lives of thousands of people."

The groups, most of which are based in California and Texas, contend that EPA's current rules are based on inaccurate estimates of the emissions released by refineries and allow the use of outdated technology that fails to adequately control the releases.

The Clean Air Act required EPA to develop standards that would reduce releases from refineries by 1998 of pollutants that are known, probable or possible cancer-causing agents to levels that would reduce the lifetime excess cancer risk to the individual most exposed to emissions to less than one in 1 million. The law requires those standards to be reconsidered every 8 years, including looking at whether new technology can better identify the amount of the chemicals released by the refineries or do a better job of reducing the releases.

"Recent studies at Marathon, Shell, and BP facilities have shown that the emissions actually going into the air from flares, tanks, and other components at refineries are 10 to 100 times higher than what industry reports to federal and state regulators," said a news release announcing the suit. "The EPA's current rules are based on these inaccurate estimates and outdated technology which is why new limits that reflect the actual community health impact and employ current technology are necessary."

The 17 refineries in Louisiana released 5.8 million pounds of the cancer-causing chemicals in 2010, according to EPA statistics. That included 431,000 pounds from the Phillips 66 Alliance Refinery, then owned by BP, and 467,000 pounds from the Motiva Enterprises LLC-Norco Refinery.

The Bucket Brigade has been campaigning against what it contends are unnecessary releases of chemicals at refineries in Louisiana during accidents for several years, with 40 percent of those involving the movement of chemicals to flares.

"Motiva-Norco flared for 12 consecutive days between July 15 and July 27," Hrybyk said. "The flare reached up to 100 feet in height."

She said that under the existing EPA rules, companies use outdated analyses to conclude that 99 percent of the chemicals are burned up in the flares, even as the agency's own studies elsewhere show the flares only remove 40 to 50 percent of the chemicals.

Updating the regulations “would trigger a lot more action” by state officials, both in requiring emissions reductions, and in increased fines and possible criminal actions when new emission limits are topped, she said.

In early September, the EPA submitted proposed regulations to the White House Office of Management and Budget for review that would address the environmental groups’ concerns, but has not released the rules to the public.

The submission came only a few weeks after the environmental organizations informed EPA that they intended to file Thursday’s suit, as required by law.

Joining the Bucket Brigade in filing suit are Earthjustice, a national organization providing legal services to environmental groups; the Environmental Integrity Project; California Communities Against Toxics, Coalition for a Safe Environment; Del Amo Action Committee; Community In-Power Development Association; Air Alliance Houston and Texas Environmental Justice Advocacy Services.